



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 1938

2 AMENDMENT NO. _____. Amend Senate Bill 1938 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Circuit Courts Act is amended by changing
5 Sections 2f-1, 2f-2, and 2f-4 as follows:

6 (705 ILCS 35/2f-1)

7 Sec. 2f-1. 19th and 22nd judicial circuits.

8 (a) On December 4, 2006, the 19th judicial circuit is
9 divided into the 19th and 22nd judicial circuits as provided in
10 Section 1 of the Circuit Courts Act. This division does not
11 invalidate any action taken by the 19th judicial circuit or any
12 of its judges, officers, employees, or agents before December
13 4, 2006. This division does not affect any person's rights,
14 obligations, or duties, including applicable civil and
15 criminal penalties, arising out of any action taken by the 19th
16 judicial circuit or any of its judges, officers, employees, or

1 agents before December 4, 2006.

2 (b) Of the 7 circuit judgeships elected at large in the
3 19th circuit before the general election in 2006, the Supreme
4 Court shall assign 5 to the 19th circuit and 2 to the 22nd
5 circuit, based on residency of the circuit judges then holding
6 those judgeships. The 5 assigned to the 19th circuit shall
7 continue to be elected at large, except those at large
8 judgeships that become resident judgeships as provided in
9 subsection (a-5) of Section 2f-2. The 2 assigned to the 22nd
10 circuit shall continue to be elected at large.

11 (b-5) Except as provided in subsection (b-10), the number
12 of at large judgeships of the 19th judicial circuit shall be
13 the number of at large judgeships specified for ~~assigned to~~ the
14 19th judicial circuit pursuant to subsection (b) plus only the
15 judgeship designated as vacancy A by the State Board of
16 Elections filled at the 2006 general election. If, before, on,
17 or after the effective date of this amendatory Act of the 94th
18 General Assembly, the State Board of Elections has certified or
19 certifies one or more candidates for a judgeship of the 19th
20 judicial circuit designated as vacancy B or C by the State
21 Board of Elections, then all such certifications are revoked
22 and are null and void by operation of law and the names of any
23 such candidates shall not appear upon the 2006 general primary
24 ballot or the 2006 general election ballot for any of those
25 judgeships. Except as provided in subsection (b-10), the number
26 of at large judgeships of the 22nd judicial circuit shall be

1 the number of at large judgeships assigned to the 22nd judicial
2 circuit pursuant to subsection (b) plus only the judgeship
3 designated as vacancy A by the State Board of Elections filled
4 at the 2006 general election. If, before, on, or after the
5 effective date of this amendatory Act of the 94th General
6 Assembly, the State Board of Elections has certified or
7 certifies one or more candidates for the judgeship of the 22nd
8 judicial circuit designated as vacancy B by the State Board of
9 Elections, then any such certifications are revoked and are
10 null and void by operation of law and the names of any such
11 candidates shall not appear upon the 2006 general primary
12 ballot or the 2006 general election ballot for that judgeship.

13 (b-10) If this amendatory Act of the 94th General Assembly
14 is held unconstitutional and as a result the judgeships
15 designated by the State Board of Elections as vacancies A, B,
16 and C of the 19th judicial circuit are filled at the 2006
17 general election, then the number of at large judgeships of the
18 19th judicial circuit shall be only the number of at large
19 judgeships specified for ~~assigned to~~ the 19th judicial circuit
20 pursuant to subsection (b). If this amendatory Act of the 94th
21 General Assembly is held unconstitutional and as a result the
22 judgeships designated by the State Board of Elections as
23 vacancies A and B of the 22nd judicial circuit are filled at
24 the 2006 general election, then the number of at large
25 judgeships of the 22nd judicial circuit shall be only the
26 number of at large judgeships assigned to the 22nd judicial

1 circuit pursuant to subsection (b).

2 (b-15) If subsection (b-10) applies, then each vacancy
3 occurring in an at large judgeship of the 19th judicial circuit
4 on or after the holding of unconstitutionality shall not be
5 filled by any means and each of those vacant judgeships is
6 abolished, until the number of at large judgeships of the 19th
7 judicial circuit returns to the number of at large judgeships
8 specified for the 19th judicial circuit by subsection (b-10).
9 If subsection (b-10) applies, then each vacancy occurring in an
10 at large judgeship of the 22nd judicial circuit on or after the
11 holding of unconstitutionality shall not be filled by any means
12 and each of those vacant judgeships is abolished, until the
13 number of at large judgeships of the 22nd judicial circuit
14 returns to the number of at large judgeships specified for the
15 22nd judicial circuit by subsection (b-10).

16 (c) The 6 resident judgeships elected from Lake County
17 before the general election in 2006 shall become resident
18 judgeships in the 19th circuit on December 4, 2006, and the 3
19 resident judgeships elected from McHenry County before the
20 general election in 2006 shall become resident judgeships in
21 the 22nd circuit on December 4, 2006.

22 (d) On December 4, 2006, the Supreme Court shall allocate
23 the associate judgeships of the 19th circuit before that date
24 between the 19th and 22nd circuits based on the residency of
25 the associate judges; however, the number of associate judges
26 allocated to the 19th circuit shall be no less than the number

1 of associate judges residing in Lake County on March 22, 2004.

2 (e) On December 4, 2006, the Supreme Court shall allocate
3 personnel, books, records, documents, property (real and
4 personal), funds, assets, liabilities, and pending matters
5 concerning the 19th circuit before that date between the 19th
6 and 22nd circuits based on the population and staffing needs of
7 those circuits and the efficient and proper administration of
8 the judicial system. The rights of employees under applicable
9 collective bargaining agreements are not affected by this
10 amendatory Act of the 93rd General Assembly.

11 (f) The judgeships set forth in this Section include the
12 judgeships authorized under Sections 2g, 2h, and 2j. The
13 judgeships authorized in those Sections are not in addition to
14 those set forth in this Section.

15 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;
16 94-727, eff. 2-14-06.)

17 (705 ILCS 35/2f-2)

18 Sec. 2f-2. 19th judicial circuit; subcircuits; additional
19 judges.

20 (a) The 19th circuit shall be divided into 6 subcircuits.
21 The subcircuits shall be compact, contiguous, and
22 substantially equal in population. The General Assembly by law
23 shall create the subcircuits, using population data as
24 determined by the 2000 federal census, and shall determine a
25 numerical order for the 6 subcircuits. That numerical order

1 shall be the basis for the order in which resident judgeships
2 are assigned to the subcircuits. The 6 resident judgeships to
3 be assigned that are not added by or converted from at large
4 judgeships as provided in this amendatory Act of the 96th
5 General Assembly shall be assigned to the 1st, 2nd, 3rd, 4th,
6 5th, and 6th subcircuits, in that order. The 6 resident
7 judgeships to be assigned that are added by or converted from
8 at large judgeships as provided in this amendatory Act of the
9 96th General Assembly shall be assigned to the 1st, 2nd, 3rd,
10 4th, 5th, and 6th subcircuits, in that order. Once a resident
11 judgeship is assigned to a subcircuit, it shall continue to be
12 assigned to that subcircuit for all purposes.

13 (a-5) Of the at large judgeships of the 19th judicial
14 circuit, the first 3 that are or become vacant on or after the
15 effective date of this amendatory Act of the 96th General
16 Assembly shall not be filled by appointment by the Supreme
17 court but shall become resident judgeships of the 19th judicial
18 circuit to be allotted by the Supreme Court under subsection
19 (c) and filled by election. As used in this subsection, a
20 vacancy does not include the expiration of a term of an at
21 large judge who seeks retention in that office at the next
22 term.

23 (a-10) The 19th judicial circuit shall have 3 additional
24 resident judgeships to be allotted by the Supreme Court under
25 subsection (c). One of the additional resident judgeships shall
26 be filled by election beginning at the 2010 general election.

1 Two of the additional resident judgeships shall be filled by
2 election beginning at the 2012 general election. None of the
3 additional resident judgeships shall be filled by appointment
4 by the Supreme Court before being filled initially by election.

5 (b) The 19th circuit shall have a total of 12 ~~6~~ resident
6 judgeships (6 resident judgeships existing on the effective
7 date of this amendatory Act of the 96th General Assembly, 3
8 formerly at large judgeships as provided in subsection (a-5),
9 and 3 resident judgeships added by subsection (a-10)). The
10 number of resident judgeships allotted to subcircuits of the
11 19th judicial circuit pursuant to this Section shall constitute
12 all the resident judgeships of the 19th judicial circuit.

13 (c) The Supreme Court shall allot (i) all vacancies in
14 resident judgeships of the 19th circuit existing on or
15 occurring on or after the effective date of this amendatory Act
16 of the 93rd General Assembly and not filled at the 2004 general
17 election, ~~and~~ (ii) the resident judgeships of the 19th circuit
18 filled at the 2004 general election as those judgeships
19 thereafter become vacant, (iii) the 3 formerly at large
20 judgeships described in subsection (a-5) as they become
21 available, and (iv) the 3 resident judgeships added by
22 subsection (a-10), for election from the various subcircuits
23 until there are 2 resident judges ~~is one resident judge~~ to be
24 elected from each subcircuit. No resident judge of the 19th
25 circuit serving on the effective date of this amendatory Act of
26 the 93rd General Assembly shall be required to change his or

1 her residency in order to continue serving in office or to seek
2 retention in office as resident judgeships are allotted by the
3 Supreme Court in accordance with this Section.

4 (d) A resident judge elected from a subcircuit shall
5 continue to reside in that subcircuit as long as he or she
6 holds that office. A resident judge elected from a subcircuit
7 after January 1, 2008, must retain residency as a registered
8 voter in the subcircuit to run for retention from the circuit
9 at large thereafter.

10 (e) Vacancies in resident judgeships of the 19th circuit
11 shall be filled in the manner provided in Article VI of the
12 Illinois Constitution, except as otherwise provided in this
13 Section.

14 (Source: P.A. 94-727, eff. 2-14-06; 95-610, eff. 9-11-07.)

15 (705 ILCS 35/2f-4)

16 Sec. 2f-4. 12th circuit; subcircuits; additional judges.

17 (a) The 12th circuit shall be divided into 5 subcircuits.
18 The subcircuits shall be compact, contiguous, and
19 substantially equal in population. The General Assembly by law
20 shall create the subcircuits, using population data as
21 determined by the 2000 federal census, and shall determine a
22 numerical order for the 5 subcircuits. That numerical order
23 shall be the basis for the order in which resident judgeships
24 are assigned to the subcircuits. The first resident judgeship
25 to be assigned after the effective date of this amendatory Act

1 of the 96th General Assembly shall be assigned to the 5th
2 subcircuit. The next 5 resident judgeships to be assigned after
3 the effective date of this amendatory Act of the 96th General
4 Assembly shall be assigned to the 3rd, 4th, 5th, 1st, and 2nd
5 subcircuits, in that order. Once a resident judgeship is
6 assigned to a subcircuit, it shall continue to be assigned to
7 that subcircuit for all purposes.

8 (a-10) The first vacancy in the 12th judicial circuit's 10
9 existing circuit judgeships (8 at large and 2 resident), but
10 not in the additional judgeships described in subsections (b)
11 and (b-5), that exists on or after the effective date of this
12 amendatory Act of the 94th General Assembly shall not be
13 filled, by appointment or election, and that judgeship is
14 eliminated. Of the 12th judicial circuit's 10 existing circuit
15 judgeships (8 at large and 2 resident), but not the additional
16 judgeships described in subsections (b) and (b-5), the second
17 to be vacant or become vacant on or after the effective date of
18 this amendatory Act of the 94th General Assembly shall be
19 allotted as a 12th circuit resident judgeship under subsection
20 (c).

21 (a-15) Of the at large judgeships of the 12th judicial
22 circuit not affected by subsection (a-10), the first 2 that are
23 or become vacant on or after the effective date of this
24 amendatory Act of the 96th General Assembly shall become
25 resident judgeships of the 12th judicial circuit to be allotted
26 by the Supreme Court under subsection (c) and filled by

1 election, except that the Supreme Court may fill those
2 judgeships by appointment for any remainder of a vacated term
3 until the resident judgeships are filled initially by election.

4 (a-20) As used in subsections (a-10) and (a-15) ~~this~~
5 ~~subsection~~, a vacancy does not include the expiration of a term
6 of an at large or resident judge who seeks retention in that
7 office at the next term.

8 (b) The 12th circuit shall have 6 ~~3~~ additional resident
9 judgeships, as well as its existing resident judgeship or
10 judgeships, and existing at large judgeships, for a total of 15
11 ~~12~~ judgeships available to be allotted under subsection (c) to
12 the 10 ~~5~~ subcircuit resident judgeships. The additional
13 resident judgeship created by Public Act 93-541 shall be filled
14 by election beginning at the general election in 2006. The 2
15 additional resident judgeships created by this amendatory Act
16 of 2004 shall be filled by election beginning at the general
17 election in 2008. The additional resident judgeships created by
18 this amendatory Act of the 96th General Assembly shall be
19 filled by election beginning at the general election in 2010.

20 After the subcircuits are created by law, the Supreme Court may
21 fill by appointment the additional resident judgeships created
22 by Public Act 93-541, ~~and~~ this amendatory Act of 2004, and this
23 amendatory Act of the 96th General Assembly until the 2006, ~~or~~
24 2008, or 2010 general election, as the case may be.

25 (b-5) In addition to the number of circuit judges and
26 resident judges otherwise authorized by law, and

1 notwithstanding any other provision of law, beginning on April
2 1, 2006 there shall be one additional resident judge who is a
3 resident of and elected from the fourth judicial subcircuit of
4 the 12th judicial circuit. That additional resident judgeship
5 may be filled by appointment by the Supreme Court until filled
6 by election at the general election in 2008, regardless of
7 whether the judgeships for subcircuits 1, 2, and 3 have been
8 filled.

9 (c) The Supreme Court shall allot (i) the additional
10 resident judgeships of the 12th circuit created by Public Act
11 93-541, ~~and~~ this amendatory Act of 2004, and this amendatory
12 Act of the 96th General Assembly, ~~and~~ (ii) the second vacancy
13 in the at large and resident judgeships of the 12th circuit as
14 provided in subsection (a-10), and (iii) the 2 formerly at
15 large judgeships described in subsection (a-15) as they become
16 available, for election from the various subcircuits until,
17 with the additional judge of the fourth subcircuit described in
18 subsection (b-5), there are 2 ~~is one~~ resident judges ~~judge~~
19 be elected from each subcircuit. No at large or resident judge
20 of the 12th circuit serving on August 18, 2003 shall be
21 required to change his or her residency in order to continue
22 serving in office or to seek retention in office as at large or
23 resident judgeships are allotted by the Supreme Court in
24 accordance with this Section.

25 (d) A resident judge elected from a subcircuit shall
26 continue to reside in that subcircuit as long as he or she

1 holds that office. A resident judge elected from a subcircuit
2 after January 1, 2008, must retain residency as a registered
3 voter in the subcircuit to run for retention from the circuit
4 at large thereafter.

5 (e) Vacancies in resident judgeships of the 12th circuit
6 shall be filled in the manner provided in Article VI of the
7 Illinois Constitution, except as otherwise provided in this
8 Section.

9 (Source: P.A. 94-727, eff. 2-14-06; 95-610, eff. 9-11-07.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."